

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PHILIP LAWRENCE MORIARTY, Plaintiff vs. ZEFF LAW FIRM LLC AND GREGG L. ZEFF, Esquire, Defendants	Civil Action No.:
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NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants, Zeff Law Firm LLC and Gregg L. Zeff by and through their attorneys, Bardsley, Benedict + Cholden, LLP, remove this matter from the Philadelphia Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. § 1441 *et. seq.* and in support thereof aver as follows:

1. On or about June 30, 2020, Plaintiff, Philip Lawrence Moriarty (hereinafter “Moriarty”), filed a Complaint in the Philadelphia Court of Common Pleas at June Term, 2020 No. 01911, alleging legal malpractice claims against Defendants. A copy of Plaintiff’s Complaint is attached hereto as Exhibit “A”.

2. Plaintiff, Moriarty, is a citizen of the Commonwealth of Pennsylvania and resides at 5 Sprenkle Avenue in Hanover, York County, Pennsylvania 17331.

3. Defendant, Gregg L. Zeff, Esquire, is a citizen of the State of New Jersey, residing in Burlington County, New Jersey. *See* Affidavit of Gregg L. Zeff attached as Exhibit “B”.

4. Defendant, Zeff Law Firm LLC, is a limited liability corporation incorporated in the State of New Jersey and with its principal place of business located at 100 Century Parkway, Suite 160, Mt. Laurel, New Jersey 08054. *See* Exhibit “B”.

5. The incident which forms the basis for the instant legal malpractice action involves an underlying claim of legal malpractice that defendants allegedly failed to commence against attorney Eric Weisbrod stemming from his handling of two criminal defense matters, including a hearing on revocation of parole and probation known as a Gagnon II hearing, in Adams County, Pennsylvania in connection with Adams County Case No. CP-01-CR-0000492-2014, and a bail hearing in connection with charges for aggravated assault, terroristic threats, simple assault and harassment filed at Adams County Case No. CP-01-CR-0000521-2016.

6. Plaintiff's Complaint alleges that as a result of the underlying malpractice claim, his parole/probation for charges associated with reckless endangering another person ("REAP") and resisting arrest was revoked on or about April 28, 2016, and he was not released from confinement until March 27, 2018, when his parole revocation was later vacated.

7. Plaintiff Moriarty claims that had his criminal defense attorney Weisbrod advised him to defer the Gagnon II hearing until after disposition of new criminal charges for aggravated assault, terroristic threats, simple assault and harassment on March 5, 2016, he would have been released from confinement on or about December 6, 2016 instead of on March 27, 2018. *See Exhibit "A".*

8. The Complaint further alleges that Plaintiff Moriarty sustained severe pain, emotional distress, humiliation, embarrassment, loss of pleasure and enjoyment of life, lost wages, loss of wage-earning capacity and other damages as a result of defendants' alleged legal malpractice. *See Exhibit "A", ¶41.*

9. Plaintiff Moriarty has alleged damages in excess of \$50,000.00, but based upon the aforementioned claimed damages, it appears that this case has an amount in controversy in excess of \$75,000.00, exclusive of interest and costs.

10. This Court has original jurisdiction of this matter pursuant to 28 U.S.C. § 1332 in that there is complete diversity of citizenship.

11. The document attached hereto constitute all of the pleadings, process and order served upon the Defendant in this action in the Philadelphia County Court of Common Pleas.

12. This case is removable from the Philadelphia Court of Common Pleas pursuant to 28 U.S.C. § 1446, *et seq.*

13. This Notice is being filed within 30 days of service of the Complaint upon Defendants.

14. Diversity of citizenship existed at the time that the service of the Complaint was made and continues through the time of filing of this Notice, such that Defendants are entitled to remove this matter pursuant to 28 U.S.C. § 1332, §1441 and §1446.

15. Based on the matter set forth hereinabove, this case is removable and said removal was commenced within the time provided in 28 U.S.C. §1446(b)(3).

WHEREFORE, Defendants request that the above captioned action, now pending against them in the Philadelphia Court of Common Pleas under June Term, 2020, No. 01911 be removed therefrom to this Court.

Date: July 29, 2020

Pamela J. Devine /s/

Pamela J. Devine, Esquire

Pennsylvania Attorney I.D. No.: 76840

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Gregg L. Zeff, Esquire*